

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
July 14, 2009
7:00 p.m.

Attendance: Mayor Eric Doering, Trustees Gerry Pfirsch, Jim Wollack, Liberta Hattel and Amy Schiers. Also present were Acting Town Administrator Gary Barbour, Kathy Larson, Building Permit Tech, Town Attorney Rick Samson, Planning Director Jennifer Simmons, Planner Todd Tucker, Engineering Director Dick Leffler and Assistant to Town Administrator Jordan Eichem. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00 p.m.; roll call was taken and all Trustees were present with the exception of Mayor Pro Tem Sue Wedel and Trustee Tony Carey.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA There were no additions to the agenda.

PUBLIC COMMENT

Lindsey Witty Received a scholarship from the Town in 2006 and wanted to thank the Board. She is a senior this year at Regis majoring in Psychology with minors in Business and Spanish.

Patrick McCarron and Butch Josh with Troop 98 requested permission to use Milavec on Monday, 27 July at 7PM for an overnight. They will be having their Court of Honor and invite the Board to attend. Mayor Doering said that Gary Barbour will get back to them with verification.

Coach Rick Frank with Frederick High School presented a plaque to the Board of Trustees to thank them for their donation earlier this year. The Board's donation allowed several kids who couldn't afford it to come to the games.

HOME RULE UPDATE

Commissioner Laura Brown presented an update on the Home Rule Committee. The first public hearing was on June 16, 2009 and the second will be on July 21, 2009. Maureen Jurand attorney for Home Rule and the committee is very pleased with their choice. Commissioner Brown stated that all the committee wants is what is best for the people of Frederick. They don't want to change what is, but open the doors for the Town's future. Mayor Doering thanked Commissioner Brown for all of her and the Commission's hard work. A Special Board meeting is scheduled for August 4, 2009; this is when the Home Rule Charter Commission will present the proposed Charter.

STAFF REPORTS

Administrative Report Acting Town Administrator, Gary Barbour, provided the Board with the Administrative Report which highlighted the following items: Municipal Home Rule, Fishing is Fun Grant Award, New Phone System and Upcoming Work Sessions for the Board of Trustees. The Engineering Department provided information about Northern Integrated Supply Project (NISP), Boulder and Weld Irrigation Culvert Across Aggregate Boulevard and an update regarding the Storm Water Utility Billing. The Finance Department is currently in Utah training on the new utility software and are setting up interviews for police officer positions. An update on Bulrush Wetlands Park and an update on the Downtown Development Study were provided by the Planning Department. The Police Department provided information about the Professional Accreditation process for the police department, police officer interviews, Officer Brooke Bowman being chosen as treasurer for the Colorado Association of School Resource Officers and award of a grant for the Police Physical Fitness Testing Process from the US Department of Justice.

Town Attorney Report Town Attorney Rick Samson, provided the Board of Trustees with a written Status Report. There was no additional information provided to the Board.

PUBLIC HEARINGS

AM 2009-060, To Request Rescission of Wyndham Hill Filing 1, Replat A The applicant has requested to rescind the approval of Wyndham Hill Filing 1 Replat A (Ordinance 895/Resolution 07R035), reverting to and reaffirming the originally approved configuration for Lots 1-14, Block 14; Lots 1-9, Block 15; and Lots 1-18, Block 24 as shown in Wyndham Hill Filing 1 (Ordinance 799/Resolution 05R041). Filing 1 included 41 lots in these three blocks. The Replat reconfigured the lot lines resulting in 38 lots. The replat involves two areas near the center of Filing 1. The zoning surrounding these Blocks is R-1 with a PUD overlay, however a portion of Block 15 abuts unincorporated Weld County.

Staff indicated that all publication requirements had been met. The Town Attorney stated that since no development has occurred under Replat A, and no further subdivision of the subject real property has occurred, reversion to the original plat for Filing 1 may be processed without engaging the full replat process. While the formal rescission of an approved plat is not specifically addressed in the Town of Frederick Land Use Code, a public hearing before the BOT is required to compel official action by the Board to rescind a local government land use decision. The Town Engineer said that the previously approved Filing 1 Construction Plans are still valid as the Replat that is being rescinded did not affect grading, drainage or utilities. The Developer shall submit a Master Utility Plan prior to construction showing the utilities, grading and streets that are to be constructed. The Developer shall submit a Filing 1 Phasing Map depicting the existing phasing and the new phasing for the lots to be constructed.

Mayor Doering asked the applicant if he would like to add anything to the discussion. Jon Lee, the applicant, indicated staff had presented the request and he didn't have any additional information to share with the Board; however Lee did indicate that he would answer any questions the Board had. There being none, Mayor Doering opened the Public Hearing at 7:29p.m. There being no comments or questions, Mayor Doering closed the Public Hearing at 7:29p.m.

Trustee Wollack made a motion to approve Resolution 09R030, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING THE RESCISSION OF WYNDHAM HILL FILING 1 REPLAT A, AND REVERSION TO THE FINAL PLAT FOR WYNDHAM HILL FILING 1, Trustee Hattel seconded the motion and motion carried with Trustee Pfirsch voting "nay" to the motion.

Trustee Wollack made a motion to adopt Ordinance No. 1004. AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REGARDING THE RESCISSION OF ORDINANCE 895 APPROVING THE WYNDHAM HILL FILING 1, REPLAT A, AND REVERSION TO THE FINAL PLAT FOR WYNDHAM HILL FILING 1, Trustee Shiers seconded the motion and motion carried with Trustee Pfirsch voting "nay" to the motion.

ACTION AGENDA

AM 2009-058, To Consider an Appointment to the Frederick Arts Commission

Pat Houston applied for the vacancy position on the Frederick Arts Commission. The Board inquired about Houston background. Trustee Pfirsch made a motion approve AM 2009-058, to appoint Pat Houston to the vacant position on the Frederick Arts Commission, Trustee Wollack seconded the motion. All in favor, motion carried.

AM2009-059, To Consider a Development Agreement with Rocky Mountain Christian Church that includes reimbursement to be Paid by the Town Town Engineer, Dick Leffler, addressed the Board of Trustees asking them to consider entering into a Memorandum of Agreement for Public Improvements (MOAPI) with Rocky Mountain Christian Church, in which the Town will agree to reimburse \$112,597 to the church, and will require future developers to reimburse \$168,379 to the church.

Rocky Mountain Christian Church (RMCC) has recently completed construction of a church facility that is located at 5860 Majestic Street, just west of Colorado Boulevard. RMCC has requested that the Town reimburse the church for some of the costs of construction of offsite public improvements. The construction of the public improvements in question has been completed at this time. Specifically, RMCC is asking that the Town reimburse costs associated with the construction of Majestic Street, and the south to west bound deceleration and turn lane located on Colorado Blvd. at its intersection with Majestic Street.

The total cost of public improvements associated with Majestic Street and with the five surrounding areas was approximately \$500,000. The exact cost of the public improvements does not match the \$551,582 shown in Attachment A because a portion of the

waterline costs included in this number were in fact not public improvements, and therefore have not been included in the calculations. The total cost of public improvements has been determined and has been allocated to each area. The allocation of costs is based on several factors, including the proportion of length of a given area to the entire roadway, and the benefit of the improvements that were actually constructed to each area. From this allocation it was determined that the cost of Area 1 was \$175,720. This includes sidewalk that was constructed on the south side of Majestic Street. Area 2, which is the north side of Majestic adjacent to the existing platted portion of Meadowlark Business, had a total cost of \$115,346. Area 3S, which is the Town's responsibility on behalf of Countryside, had a cost of \$84,412. Area 3N, which is the responsibility of the future Meadowlark Outlot C (or Filing 3), cost \$53,033. Area 4, which is the turn lane, cost \$56,369.

RMCC and staff have agreed that a reasonable cost split for the turn land usage attributable to the church versus background traffic is 50%-50%. This was determined with the help of a third party traffic study. Therefore, the church will pay for half of the cost of the turn lane and the Town should pay for the other half. The reimbursements from the Town to RMCC should be the cost of Area 3S plus half of the cost of the turn lane (Area 4), which amounts to \$112,597.

Trustee Pfirsch made a motion approving the Rocky Mountain Christian Church, Memorandum of Agreement for Public Improvements Memorandum and to direct the Mayor to sign the document, Trustee Hattel seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Wollack to approve the Consent Agenda with the following items; Approval of List of Warrants for July 14, 2009, AM 2009-062, Consider an Intergovernmental Agreement between the Town of Frederick and Weld County Election Department for the November 3, 2009 Coordinated Election; AM-2009-61, To Adopt Resolution 09R031, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND REGARDING GRANT FUNDS TO SUPPORT GOCO PROJECT #09390; Authorizing Execution of the Town's Contract with GOCO for a GOCO local Government Grant for Frederick Recreation Area Phase 1 Improvements and to Execute the Contract, and approval of the June 23, 2009, Special and Regular Meeting Minutes, Trustee Hattel seconded the motion and motion carried unanimously.

DISCUSSION AGENDA

IM 2009-014, Update on United Power Service and Billing Town Engineer, Dick Leffler, asked the Board for direction as to the ownership of the distribution system. At the February 10, 2009 Board meeting, United Power representatives presented information about electric rate structures and general information about the services that United Power provides to the town under the Operation and Maintenance Services Agreement. The Town Board requested more detail and documentation to support the approximately \$100,000 per month payments for services that were listed in a handout from United Power. There have been continuing discussions about uncollected electric accounts and the accuracy and timeliness of

invoices the Town receives from United Power.

United Power has provided a brief summary of system maintenance and repair work that their crews performed on the Town's electric distribution system but there has been no detailed breakdown of time and materials or costs associated with services provided. Discussions and meetings between the Town and United Power took place and various proposals were considered.

Bill Meier with United Power, addressed the Board regarding the issue of the summary not being completed and presented to the Board. Meier said he will do what he can to get the documents for the Board.

Trustee Wollack asked Leffler to get a copy of the original 2003 contract that the Town has with United Power and distribute it to the Board so that they can better understand the agreement between the Town and United Power.

MAYOR AND BOARD REPORTS

Trustee Hattel voiced her concerns regarding the thistle problem across Weld County Road 20, it seems to be a bigger problem every year.

Trustee Pfirsch made comment about the e-mail from Mayor Pro-Tem Wedel regarding the restrooms at Milavec not being unlocked. Acting Town Administrator Barbour stated that this was necessary because of the intense vandalism when they are left open. There is a plan to extend electric service to the restrooms so that electronic locks can be installed. Pfirsch suggested we go back to port-a-potties.

Trustee Wollack requested an Executive Session to further discuss the United Power contract. Wollack also thanked Gary Barbour for filling in as Town Administrator in Derek Todd's absence. Wollack has concerns regarding the street name changes and it's affect on the residents. Trustee Wollack made a motion to proceed with organizing a meeting with as many members of the street name change Adhoc Committee and residents whose street names have been changed in order to get better feedback, Trustee Hattel seconded the motion. All in favor, motion carried. Attorney Samson informed the Board that he has received a letter from the Weld County Attorney regarding the street name changes. Samson has given a copy to Jenn Simmons and Dick Leffler for their information. Dick Leffler said that we have not gone back to the citizens. The project was put on hold until he can get clarification from the Board on the direction they would like him to take.

Leffler asked the Board if they would like him to send out the additional letters to the residents of Weld County Road 11 and Weld County Road 13. The Board instructed him to proceed.

Trustee Schiers mentioned an e-mail from a resident regarding the Frederick Welcome sign and a light being out for quite some time. Trustee Schiers would like to see

this repaired. Trustee Schiers also said that she has finished her Emergency training and is extending a challenge to the rest of the Board to get this done.

Mayor Doering made comment that he appreciates that the Weld County Commissioners are all for prairie dogs staying in Boulder County.

There being no further discussion, Mayor Doering closed the regular meeting at 8:30p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor